

JUN 27 2008

Serial No. 10/801,273

Amend. In Resp. to Off. Act. Of Mar. 27, 2008

UTILITY PATENT

B&D No. JK01488A

REMARKS

Applicants have amended Claim 1. Currently in the above-identified application are Claims 1-7 and 34-35.

The Examiner rejected Claims 1, 4 and 6-7 under 35 USC § 103(a) as being unpatentable over US Patent No. 5,357,834 ("Ito") in view of US Patent No. 5,850,698 ("Hurn"). The Examiner also rejected Claims 2-3 and 34-36 under 35 USC § 103(a) as being unpatentable over Ito in view of Hurn, and further in view of US Patent No. 3,611,859 ("Avakian") or US Patent No. 2,925,104 ("Allemanann"). In addition, the Examiner rejected Claim 5 under 35 USC § 103(a) as being unpatentable over Ito and Hurn, and further in view of US Patent No. 6,615,701 ("Hollinger"). Reconsideration and withdrawal of these rejections are respectfully requested.

Applicants note that Ito, Hurn, Avakian and Hollinger, whether individually or in combination, do not show a portion of the gear housing directly underneath the motor shaft that is higher than the arbor. Instead, Ito and Hurn, for example, show the portion of the gear housing directly underneath the motor shaft being lower than the arbor.¹

By contradistinction, Claim 1 calls for a "gear housing having an outer lowermost exposed portion directly below the motor shaft." This "outer lowermost exposed gear housing portion is higher than the arbor." Because the cited references do not show, teach or suggest such arrangement, they cannot render unpatentable Claim 1 and its dependent claims.

¹ The Examiner points out that gear housing 32, 35 "has a portion directly below the motor shaft (42) that is exposed, and extends in one direction higher than the arbor." However, Claim 1 does not require that the portion "extend[] in one direction higher than the arbor." Instead Claim 1 requires that the claimed portion be higher than the arbor. Being that the Ito portion directly underneath the motor show is shown to be lower than the arbor, the Examiner cannot argue otherwise.

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In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 1-7 and 34-35 are respectfully requested.

No fee is believed due. The Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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